

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEDWIN PAYAMPS,

Plaintiff,

-against-

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO;
NEW YORK CITY POLICE DEPARTMENT ("NYPD")
COMMISSIONER DERMOT SHEA; NYPD CHIEF OF
DEPARTMENT TERENCE MONAHAN; NYPD
INSPECTOR JESSE LANCE; NYPD OFFICER COREY
JOHNSON; NYPD OFFICER DANIEL AUGUSTE (Tax I.D.
961629); NYPD OFFICER JANELLE NERETTE (Tax I.D.
956972); NYPD OFFICER KEVIN FORRESTER (Tax I.D.
957596); NYPD OFFICER NATHANIEL LESTER (Tax I.D.
961885); NYPD OFFICER MATTHEW ERDMAN (Tax I.D.
960500); NYPD OFFICER RANDY SHAPIRO (Tax I.D.
920831); NYPD DEPUTY INSPECTOR KENNETH
NOONAN (Tax I.D. 924257), NYPD MEMBER MATTHEW
LAMBERT (Tax I.D. 956820); NYPD SERGEANT
KITWANE LEWIS (Tax I.D. 951915); and NYPD CAPTAIN
RYON MALCOLM (Tax I.D. 925654),

Defendants.

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**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEY'S FEES,
EXPENSES, AND COSTS**

22-CV-00563
(AMD) (VMS)

WHEREAS, plaintiff Kedwin Payamps commenced this action by filing a complaint on or about February 1, 2022, alleging that defendants City of New York, Mayor Bill de Blasio, NYPD Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Inspector Jesse Lance, Officer Corey Johnson, Officer Daniel Auguste, Officer Janelle Nerette, Officer Nathaniel Lester, Officer Matthew Erdman, Lieutenant Randy Shapiro, Deputy Inspector Kenneth Noonan, Officer Matthew Lambert, Sergeant Kitwane Lewis, and Captain Ryon Malcolm violated their federal civil and state common law rights; and

WHEREAS, defendant City of New York served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on August 9, 2023; and

WHEREAS, plaintiff accepted defendant's Rule 68 Offer of Judgment on August 15, 2023; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of their rights to attorneys' fees, expenses, and costs to their counsel, the Law Offices of Cohen & Green, P.L.L.C., Gideon Orion Oliver, Esq., and Kaishian & Mortazavi, L.L.C. (hereinafter "plaintiff's counsel"); and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, the total sum of Seventy-Two Thousand (\$72,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Seventy-Two Thousand (\$72,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City of New York, Mayor de Blasio, NYPD Commissioner Shea, NYPD Chief of Department Monahan, Inspector Lance, Officer Johnson, Officer Auguste, Officer Nerette, Officer Lester, Officer Erdman, Lieutenant Shapiro, Deputy Inspector Noonan, Officer Lambert, Sergeant Lewis and Captain Malcolm; their successors or assigns; and all past and present officials, employees,


representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.


4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

COHEN & GREEN, P.L.L.C.
Attorneys for Plaintiff
1639 Centre Street, Suite 216
Ridgewood, New York 11385
9298889480

By: 


Elena L. Cohen
Attorney for Plaintiff

Cohen & Green, P.L.L.C.
Attorneys for Plaintiff
1639 Centre Street, Suite 216
Ridgewood, New York 11385
9298889480

By: 


J. Remy Green
Attorney for Plaintiff

GIDEO ORION OLIVER
Attorney for Plaintiff
277 Broadway, Suite 1501
New York, New York 10007

By: 

Gideo Orion Oliver
Attorney for Plaintiff

Cohen & Green, P.L.L.C.
Attorneys for Plaintiff
1639 Centre Street, Suite 216
Ridgewood, New York 11385
9298889480

By: 

Jessica Massimi
Attorney for Plaintiff

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York,
de Blasio, Shea, Monahan, Lance,
Johnson, Auguste, Nerette, Lester,
Erdman, Shapiro, Noonan, Lambert,
Lewis, and Malcolm
100 Church Street, 3rd Floor
New York, New York 10007

By: 

Michael Pesin-Virovets
Senior Counsel

Kaishian & Mortazavi LLC
Attorneys for Plaintiff
55 Washington Street, Suite 508
Brooklyn, NY 11201

By: 
Maryanne K. Kaishian
Attorney for Plaintiff

SO ORDERED:

s/Ann M. Donnelly

HON. ANN M DONNELLY
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
____ April 3 ___, 2024